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9 *Attorneys for Helios Streaming, LLC,*  
10 *and IdeaHub, Inc.*

11 UNITED STATES DISTRICT COURT  
12 CENTRAL DISTRICT OF CALIFORNIA  
13 SOUTHERN DIVISION  
14

15 HELIOS STREAMING, LLC, and  
16 IDEA HUB, INC.,

17 Plaintiffs,

18 vs.

19 PEACOCK TV, LLC, AND  
20 NBCUNIVERSAL MEDIA, LLC,

21 Defendants.  
22  
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24  
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) Case No.: 8:21-cv-259

) **FIRST AMENDED COMPLAINT FOR  
PATENT INFRINGEMENT**

) DEMAND FOR JURY TRIAL

1 Plaintiffs Helios Streaming, LLC (“Helios”), and IdeaHub, Inc. (“IdeaHub”),  
2 (collectively “Plaintiffs”), for its First Amended Complaint against Defendants  
3 Peacock TV, LLC (“Peacock”) and NBCUniversal Media, LLC (“NBCUniversal”)  
4 (collectively, “Defendants”), allege the following:

5 **NATURE OF THE ACTION**

6 1. This is an action for patent infringement arising under the Patent Laws of  
7 the United States, 35 U.S.C. § 1 *et seq.*

8 **THE PARTIES**

9 2. Plaintiff Helios is a limited liability company organized under the laws of  
10 the State of Delaware with a place of business at 9880 Irvine Center Drive, Suite 100,  
11 Irvine, California 92618.

12 3. Plaintiff IdeaHub is a corporation organized under the laws of the  
13 Republic of Korea with a place of business at 2F, 8 Yangjaecheonro-21-gil, Seocho-  
14 gu, Seoul 06748, Republic of Korea.

15 4. Upon information and belief, Peacock is a limited liability company  
16 organized under the laws of the State of Delaware with a place of business at 100  
17 Universal City Plaza, Universal City, California 91608. Upon information and belief,  
18 Peacock sells, offers to sell, and/or uses products and services throughout the United  
19 States, including in this judicial district, and introduces infringing products and  
20 services into the stream of commerce knowing that they would be sold and/or used in  
21 this judicial district and elsewhere in the United States.

22 5. Upon information and belief, NBCUniversal is a limited liability  
23 company organized under the laws of the State of Delaware with a place of business at  
24 100 Universal City Plaza, Universal City, CA 91608. Upon information and belief,  
25 NBCUniversal sells, offers to sell, and/or uses products and services throughout the  
26 United States, including in this judicial district, and introduces infringing products and  
27 services into the stream of commerce knowing that they would be sold and/or used in  
28 this judicial district and elsewhere in the United States.

**JURISDICTION AND VENUE**

1  
2           6.     This is an action for patent infringement arising under the Patent Laws of  
3 the United States, Title 35 of the United States Code.

4           7.     This Court has subject matter jurisdiction under 28 U.S.C. §§ 1331 and  
5 1338(a).

6           8.     Venue is proper in this judicial district under 28 U.S.C. § 1400(b).

7           9.     This Court has personal jurisdiction over Defendants under the laws of  
8 the State of California, due at least to their substantial business in California and in  
9 this judicial district, directly or through intermediaries, including: (i) at least a portion  
10 of the infringements alleged herein; and (ii) regularly doing or soliciting business,  
11 engaging in other persistent courses of conduct and/or deriving substantial revenue  
12 from goods and services provided to individuals in the State of California. Venue is  
13 also proper in this district because Defendants have a regular and established place of  
14 business in this district. For instance, on information and belief, Defendants both  
15 maintain a principal office at 100 Universal City Plaza, Universal City, California  
16 91608.

**BACKGROUND**

17  
18           10.    This action involves three patents, described in detail in the counts below  
19 (collectively, the “Asserted Patents”).

20           11.    U.S. Patent No. 10,356,145 (“the ’145 patent”) claims technologies for  
21 providing adaptive HTTP streaming services using metadata of media content that  
22 were developed in the early 2010s by inventors Truong Cong Thang, Jin Young Lee,  
23 Seong Jun Bae, Jung Won Kang, Soon Heung Jung, Sang Taick Park, and Won Ryu.

24           12.    U.S. Patent No. 9,325,558 B2 (“the ’558 patent”) (collectively, with the  
25 ’145 patent, the “Asserted Patents”) claims technologies for providing an adaptive  
26 HTTP streaming service using metadata of the media content provided that were  
27 developed in the early 2010s by inventors Truong Cong Thang, Jin Young Lee, Seong  
28

1 Jun Bae, Jung Won Kang, Soon Heung Jung, Sang Taick Park, Won Ryu, and Jae  
2 Gon Kim.

3 13. The claimed inventions of the Asserted Patents were primarily invented  
4 by researchers of the Electronics and Telecommunications Research Institute  
5 (“ETRI”), the national leader in Korea in the research and development of information  
6 technologies. Since its inception in 1976, ETRI has developed new technologies in  
7 4M DRAM computer memory, CDMA and 4G LTE cellular phone communications,  
8 LCD displays, Video Coding, and Media Transport & Delivery, the latter technology  
9 of which is at issue in this case. ETRI employs over 1,800 research/technical staff, of  
10 whom 94% hold a post-graduate degree and 50% have earned a doctoral degree in  
11 their technological field. Over the last five years, ETRI produced 1,524 SCI papers  
12 and has 467 standard experts, applied for a total of 16,062 patents, has contributed  
13 7,309 proposals that have been adopted by international and domestic standard  
14 organizations (ISO, IEC, ITU, 3GPP, JTC, IEEE etc.). Dr. Truong Cong Thang and  
15 Dr. Jae Gon Kim among the inventors were employees of ETRI and currently  
16 professors at the University of Aizu, Japan, and Korea Aerospace University,  
17 respectively.

18 14. The Asserted Patents claim technologies fundamental to Dynamic  
19 Adaptive Streaming over HTTP (“DASH”), a media-streaming model for delivering  
20 media content.

21 15. DASH technology has been standardized in the ISO/IEC 23009  
22 standards, which were developed and published by the International Organization for  
23 Standardization (“ISO”) and the International Electrotechnical Commission (“IEC”).

24 16. The claimed inventions of the Asserted Patents have been incorporated  
25 into the standard for dynamic adaptive streaming delivery of MPEG media over  
26 HTTP, ISO/IEC 23009-1:2014, and subsequent versions of this standard (collectively,  
27 these standards are referred to throughout as “MPEG-DASH”).

28

1 17. MPEG-DASH technologies, including those of the claimed inventions of  
2 the Asserted Patents, facilitate high-quality streaming of media content by breaking  
3 media content—a movie, for example—into smaller parts that are each made available  
4 at a variety of bitrates. As a user plays back downloaded parts of the media content,  
5 the user’s device employs an algorithm to select subsequent media parts with the  
6 highest possible bitrate that can be downloaded in time for playback without causing  
7 delays in the user’s viewing and listening experience.

8 18. The MPEG-DASH standard, including the claimed inventions of the  
9 Asserted Patents, therefore enables high-quality streaming of media content over the  
10 internet delivered from conventional HTTP web servers, which was not previously  
11 possible on a large scale with prior art techniques and devices.

12 19. Between approximately June and August of 2018, Plaintiff IdeaHub  
13 acquired the applications that matured into the Asserted Patents.

14 20. In or about August of 2018, Plaintiff Helios obtained an exclusive license  
15 to the applications that matured into the Asserted Patents.

16 **COUNT I – INFRINGEMENT OF U.S. PATENT NO. 10,356,145**

17 21. The allegations set forth in the foregoing paragraphs 1 through 20 are  
18 incorporated into this First Claim for Relief.

19 22. On July 16, 2019, the ’145 Patent was duly and legally issued by the  
20 United States Patent and Trademark Office under the title “Method and Device for  
21 Providing Streaming Content.” A true and correct copy of the ’145 patent is attached  
22 as Exhibit 1.

23 23. IdeaHub is the assignee and owner of all right, title, and interest in and to  
24 the ’145 patent.

25 24. Helios holds the exclusive right to assert all causes of action arising  
26 under the ’145 patent and the right to collect any remedies for infringement of it.

27 25. Upon information and belief, Defendants have and continue to directly  
28 infringe at least claims 1 and 2 and to induce the direct infringement of at least claims

1 3 and 4 of the '145 patent by selling, offering to sell, making, using, and/or providing  
2 and causing to be used streaming media content (the "Accused Instrumentalities"),  
3 including one or more videos on demand ("VOD") such as those available at  
4 <https://www.peacocktv.com/>.

5 26. Upon information and belief, the Accused Instrumentalities perform  
6 methods of providing media content performed by a server or multiple servers,  
7 comprising: receiving a request for the media content from a client based on a media  
8 presentation description (MPD) with respect to the media content; and providing a  
9 segment of media content through streaming to the client in response to the request,  
10 wherein the MPD includes one or more periods, wherein the period includes one or  
11 more groups, wherein the group includes one or more representations, wherein the  
12 representation includes one or more segments, wherein the group includes one or  
13 more group elements for each of the groups, and wherein a group element provides a  
14 summary of values of all representations with a group.

15 27. Upon information and belief, the Accused Instrumentalities directly  
16 infringe claim 1 of the '145 patent.

17 28. Upon information and belief, at least one server of the Accused  
18 Instrumentalities receives a request for media content from a client based on a media  
19 presentation description (MPD) with respect to the media content and provides a  
20 segment of media content through streaming to the client in response to the request.  
21 For example, when "The Office S1E1" is selected from the videos available at  
22 <https://www.peacocktv.com/>, at least one server operating on behalf of Defendants  
23 receives a request from the client for a segment of "The Office S1E1" and, in response  
24 to the request, provides a segment of media content through streaming to the client.  
25 As another example, when the live stream of "Leicester City v. Everton" is selected  
26 from the live videos available at <https://www.peacocktv.com/>, the client receives from  
27 at least one server operating on behalf of Defendants, an MPD of the form "1.mpd."  
28

1           29. Upon information and belief, the MPD transmitted from at least one  
2 server of the Accused Instrumentalities to a client includes one or more periods, and  
3 each period includes one or more groups. For example, the “master\_cmaf.mpd” MPD  
4 for “The Office S1E1” includes at least one period that includes two groups: an audio  
5 adaptation set and a video adaptation set. As another example, the “1.mpd” MPD for  
6 “Leicester City v. Everton” includes at least one period that includes two groups: an  
7 audio adaptation set and a video adaptation set.

8           30. Upon information and belief, each group of the Accused Instrumentalities  
9 includes one or more representations. For example, the video adaptation set for “The  
10 Office S1E1” described immediately above includes six video representations. As  
11 another example, the video adaptation set for “Leicester City v. Everton” described  
12 above includes six video representations.

13           31. Upon information and belief, each of the representations of the Accused  
14 Instrumentalities includes one or more segments. For example, among the six video  
15 representations described immediately above for “The Office S1E1,” the video  
16 representation with the id “video\_1799050 includes multiple segments. As another  
17 example, among the six video representations described above for “Leicester City v.  
18 Everton,” the video representation with the id “288p-30fps-350k” includes at least one  
19 segment.

20           32. Upon information and belief, each group of the Accused Instrumentalities  
21 includes one or more group elements for each of the groups. For example, the video  
22 adaptation set for “The Office S1E1,” includes one or more group elements, such as  
23 “contentType,” “segmentAlignment,” and “subsegmentStartsWithSAP”, among  
24 others. As another example, the video adaptation set for “Leicester City v. Everton”  
25 includes attributes or elements such as “mimeType,” “segmentAlignment,”  
26 “subsegmentAlignment,” and “subsegmentStartsWithSAP.”

27           33. Upon information and belief, a group element of the Accused  
28 Instrumentalities provides a summary of values of all representations within a group.



1 For example, the attribute “maxWidth=‘1920’” within the video adaptation set for  
2 “The Office S1E1” provides a summary of values of all representations within that  
3 video adaptation set; specifically, this maxWidth attribute specifies that none of the  
4 widths for the video representations in the video adaptation set exceed 1920 pixels.  
5 As another example, the attribute “subsegmentStartsWithSAP=‘0’” within the video  
6 adaptation set for “Leicester City v. Everton” provides a summary of values of all  
7 representations within that video adaptation set.

8 34. Upon information and belief, the Accused Instrumentalities directly  
9 infringe claim 2 of the ’145 patent.

10 35. Upon information and belief, the Accused Instrumentalities directly  
11 infringe claim 1 of the ’145 patent for the reasons set forth above in paragraphs 28-33.

12 36. Upon information and belief, the Accused Instrumentalities perform the  
13 method of claim 1, wherein the group element includes at least one of (i) an ID of the  
14 group, (ii) a minBandWidth indicating a minimum value among bandwidth attributes  
15 of all representations in the group, (iii) a maxBandwidth indicating a maximum value  
16 among bandwidth attributes of all representations in the group, (iv) a minWidth  
17 indicating a minimum value among width attributes of all representations in the group,  
18 (v) a maxWidth indicating a maximum value among width attributes of all  
19 representations in the group, (vi) a minHeight indicating a minimum value among  
20 height attributes of all representations in the group, (vii) a maxHeight indicating a  
21 maximum value among height attributes of all representations in the group, (viii) a  
22 minFrameRate indicating a minimum value among frame rate attributes of all  
23 representations in the group, (ix) a maxFrameRate indicating a maximum value  
24 among frame rate attributes of all representations in the group, (x) a language attribute  
25 indicating the language of all representations in the group, (xi) a mimeType attribute  
26 indicating the mime type for all representation in the group, and (xii) a codec  
27 indicating a codec that is used for all representations in the group. For example, the  
28



1 video adaptation set of the “master\_cmaf.mpd” MPD for “The Office S1E1” includes  
2 the following group elements: “maxWidth=‘1920’” and “maxHeight=‘1080’”.

3 37. Since at least the time of receiving the Original Complaint, Defendants  
4 have had actual notice that they are directly infringing claims 1 and 2 of the ’145  
5 patent.

6 38. Upon information and belief, the Accused Instrumentalities perform  
7 methods of providing content performed by a client or user, the method comprising:  
8 transmitting a request for the media content to a server based on a MPD of the media  
9 content; receiving a segment of media content through streaming from the server in  
10 response to the request; wherein the MPD includes one or more periods; wherein the  
11 period includes one or more groups; wherein the group includes one or more  
12 representations; wherein the representation includes one or more segments; wherein  
13 the group includes one or more group elements for each of the groups, and; wherein a  
14 group element provides a summary of values of all representations within a group.

15 39. Upon information and belief, the Accused Instrumentalities perform the  
16 method of claim 3, wherein the group element includes at least one of (i) an ID of the  
17 group, (ii) a minBandWidth indicating a minimum value among bandwidth attributes  
18 of all representations in the group, (iii) a maxBandwidth indicating a maximum value  
19 among bandwidth attributes of all representations in the group, (iv) a minWidth  
20 indicating a minimum value among width attributes of all representations in the group,  
21 (v) a maxWidth indicating a maximum value among width attributes of all  
22 representations in the group, (vi) a minHeight indicating a minimum value among  
23 height attributes of all representations in the group, (vii) a maxHeight indicating a  
24 maximum value among height attributes of all representations in the group, (viii) a  
25 minFrameRate indicating a minimum value among frame rate attributes of all  
26 representations in the group, (ix) a maxFrameRate indicating a maximum value  
27 among frame rate attributes of all representations in the group, (x) a language attribute  
28 indicating the language of all representations in the group, (xi) a mimeType attribute

1 indicating the mime type for all representation in the group, and (xii) a codec  
2 indicating a codec that is used for all representations in the group.

3 40. On or about March 29, 2021, Helios sent substantively identical notice  
4 letters (“Notice Letter”) to Defendant Peacock TV LLC and Defendant NBCUniversal  
5 Media, LLC. The Notice Letters, including their claim chart enclosures, are attached  
6 hereto as Exhibits 2 and 3.

7 41. The Notice Letter identified claims 3 and 4 of the ’145 patent as claims  
8 that Defendants were and are inducing their users and customers to directly infringe.

9 42. The Notice Letter identified ISO/IEC 23009-1 as the MPEG-DASH  
10 standard, and specifically identified sections 4.1, 5.2.1, 5.3.1.1, 5.3.3.2, and A.2 of  
11 ISO/IEC 23009-1 as those to which claims 3 and 4 of the ’145 patent are standard  
12 essential.

13 43. The Notice Letter identified Defendants’ “video streaming services  
14 through its website (<https://www.peacocktv.com/>) and apps that are available on  
15 various platforms (*e.g.*, Android devices, Apple TV, web browsers (Chrome, Firefox,  
16 MS Edge, etc.), Roku devices, Chromecast devices, LG Smart TV devices,  
17 PlayStation devices, Vizio TV devices, and Xbox devices).”

18 44. Helios attached claim charts to the Notice Letter detailing how  
19 Defendants’ customers and users necessarily and directly infringe claims 3 and 4 of  
20 the ’145 patent by “consuming Peacock’s DASH-compliant streaming videos through  
21 Peacock’s advertising-supported and subscription-based video streaming services.”

22 45. Helios informed Defendants that, with regard to claims 3 and 4 of the  
23 ’145 patent, among others: “Peacock encourages customers to stream its media  
24 content—and therefore to necessarily infringe the above claims and patents, as set  
25 forth in the attached exemplary claim charts—by knowingly and strategically placing  
26 ‘Play,’ ‘Watch Free,’ or ‘Watch Now’ buttons with Peacock’s streaming media  
27 content. By coding infringing methods into its streaming media content, and by  
28 encouraging its users to necessarily perform these infringing methods by clicking

1 ‘Play,’ ‘Watch Free,’ or ‘Watch Now’ buttons, Peacock induces its users' direct  
2 infringement of the above patents and claims.”

3 46. Based on at least the above facts, those set forth in Exhibits 2 and 3, and  
4 upon information and belief, Defendants have induced and continue to induce others  
5 to infringe at least claims 3 and 4 of the ’145 patent under 35 U.S.C. § 271(b) by,  
6 among other things, and with specific intent or willful blindness, actively aiding and  
7 abetting others to infringe, including but not limited to Defendants’ partners and  
8 customers, whose use of the Accused Instrumentalities constitutes direct infringement  
9 of at least claims 3 and 4 of the ’145 patent. Defendants have induced and continue to  
10 induce others to infringe at least claims 3 and 4 of the ’145 patent since at least  
11 receiving the Notice Letter on or about March 29, 2021.

12 47. In particular, Defendants’ actions that aid and abet others such as their  
13 customers and users to infringe include knowingly providing the Accused  
14 Instrumentalities with materials and/or services that encourage infringing use of the  
15 Accused Instrumentalities, including icons, instructions, or statements that actively  
16 encourage their customers’ or users’ infringing use of the Accused Instrumentalities.

17 48. For example, and as set forth in Exhibits 2-3, Defendants have and  
18 continue to knowingly and strategically place one-click “Play,” “Watch Free,” or  
19 “Watch Now” buttons with their DASH-enabled VOD content to encourage customers  
20 to stream media content, knowing that such streaming constitutes infringement of the  
21 ’145 patent by customers. The methods of claims 3 and 4 of the ’145 patent are  
22 necessarily performed by the customer’s terminal upon clicking the “Play,” “Watch  
23 Free,” or “Watch Now” buttons, and this constitutes direct infringement as set forth in  
24 the claim charts in Exhibits 2-3.

25 49. On information and belief, Defendants have engaged and continue to  
26 engage in such actions with specific intent to cause infringement or with willful  
27 blindness to the resulting infringement because Defendants have had actual  
28 knowledge of the ’145 patent and that Defendants’ acts are inducing infringement of

1 the '145 patent since at least the time of receiving the Notice Letter on or about March  
2 29, 2021.

3 50. Alternatively, to the extent Defendants claim they did not have actual  
4 knowledge that their acts were inducing infringement of the '145 patent, Defendants  
5 were willfully blind to the fact that their acts were inducing the infringement of the  
6 '145 patent.

7 51. Defendants subjectively believed that there was a high probability that  
8 the DASH-enabled streaming VOD offered through Defendants' website and apps  
9 were infringing or inducing the infringement of the '145 patent. Helios identified the  
10 '145 patent as a "Helios Exemplary DASH Standard Essential Patent" within its  
11 "DASH portfolio" and clearly identified MPEG-DASH as the relevant industry  
12 standard (and applicable sections of the MPEG-DASH standard) to which the '145  
13 patent pertained. Helios explicitly informed Defendants that the '145 patent is  
14 essential to MPEG-DASH, identified which sections of the MPEG-DASH standard  
15 the '145 patent necessarily covered, and provided evidence that Defendants were  
16 utilizing these sections of the MPEG-DASH standard in providing streaming VOD via  
17 their website and apps. And Defendants knew that if the '145 patent is standard-  
18 essential to specific sections of MPEG-DASH, and the Accused Instrumentalities  
19 utilize those sections of MPEG-DASH, then the '145 patent is necessarily being  
20 infringed by the Accused Instrumentalities, which include streaming VOD utilizing  
21 those sections of MPEG-DASH.

22 52. Moreover, Helios provided Defendants with claim charts explicitly  
23 detailing how the Accused Instrumentalities are used by Defendants' customers and  
24 users to directly infringe claims 3 and 4 of the '145 patent. (*See* Exhibits 2 and 3.)

25 53. Despite the facts set forth in paragraphs 40-52 above, Defendants  
26 actively and deliberately avoided learning the details of their induced infringement of  
27 the '145 patent. As of the date of this First Amended Complaint, Defendants have not  
28 responded to the Notice Letter, yet Defendants continue to offer the Accused

1 Instrumentalities to their customers and users and continue to knowingly and actively  
2 encourage their customers and users to infringe the '145 patent by utilizing the  
3 Accused Instrumentalities.

4 54. On information and belief, the Accused Instrumentalities are used,  
5 marketed, provided to, and/or used by or for each of Defendants' partners, clients,  
6 customers, and end users across the country and in this District.

7 55. Plaintiffs have been harmed and continue to be harmed by Defendants'  
8 infringing activities.

9 **COUNT II- INFRINGEMENT OF U.S. PATENT NO. 9,325,558 B2**

10 56. The allegations set forth in the foregoing paragraphs 1 through 55 are  
11 incorporated into this Second Claim for Relief.

12 57. On April 26, 2016, the '558 patent was duly and legally issued by the  
13 United States Patent and Trademark Office under the title "Apparatus and Method for  
14 Providing Streaming Contents." A true and correct copy of the '558 patent is attached  
15 as Exhibit 4.

16 58. IdeaHub is the assignee and owner of all right, title, and interest in and to  
17 the '558 patent.

18 59. Helios holds the exclusive right to assert all causes of action arising  
19 under the '558 patent and the right to collect any remedies for infringement of it.

20 60. Upon information and belief, Defendants have and continue to induce the  
21 direct infringement of at least claims 1, 2, 3, 4, and 5 of the '558 patent by selling,  
22 offering to sell, making, using, and/or providing and causing to be used the Accused  
23 Instrumentalities, including one or more videos on demand ("VOD") such as those  
24 available at <https://www.peacocktv.com/>.

25 61. Upon information and belief, a client of the Accused Instrumentalities  
26 provides media content including one or more periods by a method comprising  
27 receiving metadata of the media content from a server, the metadata comprising a  
28 minBufferTime attribute indicating a minimum amount of initially buffered media

1 content that is required to ensure playout of the media content, the minBufferTime  
2 attribute being defined in segment unit; the metadata is a media presentation  
3 description (MPD) that provides descriptive information that enables a client to select  
4 one or more representations; the client receives the media content from the server,  
5 buffers the received media content by at least the minimum amount, and plays back  
6 the media content; the minBufferTime attribute relates to the one or more periods,  
7 and; the minBufferTime attribute relates to providing a minimum amount of initially  
8 buffered media at a beginning of a media presentation, at a beginning of the one or  
9 more periods of the media presentation, or at any random access point of the media  
10 presentation.

11 62. Upon information and belief, the Accused Instrumentalities perform the  
12 method of claim 1, wherein the metadata is the Media Presentation Description of the  
13 media content.

14 63. Upon information and belief, the Accused Instrumentalities perform the  
15 method of claim 1, wherein the minBufferTime attribute indicates the minimum  
16 amount of the initially buffered media content that is required to ensure playout of the  
17 media content when the media content is continuously delivered at or above a value of  
18 a bandwidth attribute of the metadata.

19 64. Upon information and belief, the Accused Instrumentalities perform the  
20 method of claim 1, wherein each of the periods comprises one or more representations  
21 of the media content, each of the representations being a structured collection of one  
22 or more media components within a period, and wherein the bandwidth attribute is an  
23 attribute of each of the representations, and describes a minimum bandwidth of a  
24 hypothetical constant bitrate channel over which each of the representations are able  
25 to be continuously delivered after the client buffers each of the representations for at  
26 least minBufferTime.

27  
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1           65. Upon information and belief, the Accused Instrumentalities perform the  
2 method of claim 4, wherein each of the representations comprises one or more  
3 segments.

4           66. On information and belief, the Accused Instrumentalities have been used  
5 to infringe and continue to directly infringe at least claims 1, 2, 3, 4, and 5 of the '558  
6 patent during the pendency of the '558 patent.

7           67. On or about March 29, 2021, Helios sent substantively identical notice  
8 letters ("Notice Letter") to Defendant Peacock TV LLC and Defendant NBCUniversal  
9 Media, LLC, including claim charts demonstrating Defendants' infringement of the  
10 '558 patent.

11           68. The Notice Letter identified claims 1, 2, 3, 4, and 5 of the '558 patent as  
12 claims that Defendants were and are inducing their users and customers to directly  
13 infringe.

14           69. The Notice Letter identified ISO/IEC 23009-1 as the MPEG-DASH  
15 standard, and specifically identified sections 4.1-4.3, 5.2.1, 5.3.1.2, 5.3.2.1-5.3.5.2,  
16 5.3.9.1, A.2, A.4, and E.2 of ISO/IEC 23009-1 as those to which claims 1, 2, 3, 4, and  
17 5 of the '558 patent are standard essential.

18           70. The Notice Letter identified Defendants' "video streaming services  
19 through its website (<https://www.peacocktv.com/>) and apps that are available on  
20 various platforms (*e.g.*, Android devices, Apple TV, web browsers (Chrome, Firefox,  
21 MS Edge, etc.), Roku devices, Chromecast devices, LG Smart TV devices,  
22 PlayStation devices, Vizio TV devices, and Xbox devices)."

23           71. Helios attached claim charts to the Notice Letter detailing how  
24 Defendants' customers and users necessarily and directly infringe claims 1, 2, 3, 4,  
25 and 5 of the '558 patent by "consuming Peacock's DASH-compliant streaming videos  
26 through Peacock's advertising-supported and subscription-based video streaming  
27 services."  
28



1           72. Helios informed Defendants that, with regard to claims 1, 2, 3, 4, and 5  
2 of the '558 patent, among others: "Peacock encourages customers to stream its media  
3 content—and therefore to necessarily infringe the above claims and patents, as set  
4 forth in the attached exemplary claim charts—by knowingly and strategically placing  
5 'Play', 'Watch Free,' or 'Watch Now' buttons with Peacock's streaming media  
6 content. By coding infringing methods into its streaming media content, and by  
7 encouraging its users to necessarily perform these infringing methods by clicking  
8 'Play,' 'Watch Free,' or 'Watch Now' buttons, Peacock induces its users' direct  
9 infringement of the above patents and claims."

10           73. Based on at least the above facts, those set forth in Exhibits 2 and 3, and  
11 upon information and belief, Defendants have induced and continue to induce others  
12 to infringe at least claims 1, 2, 3, 4, and 5 of the '558 patent under 35 U.S.C. § 271(b)  
13 by, among other things, and with specific intent or willful blindness, actively aiding  
14 and abetting others to infringe, including but not limited to Defendants' users and  
15 customers, whose use of the Accused Instrumentalities constitutes direct infringement  
16 of at least claims 1, 2, 3, 4, and 5 of the '558 patent. Defendants have induced and  
17 continue to induce others to infringe at least claims 1, 2, 3, 4, and 5 of the '558 patent  
18 since at least receiving the Notice Letter on or about March 29, 2021.

19           74. In particular, Defendants' actions that aid and abet others such as their  
20 customers and users to infringe include knowingly providing the Accused  
21 Instrumentalities with materials and/or services that encourage infringing use of the  
22 Accused Instrumentalities, including icons, instructions, or statements that actively  
23 encourage their customers' or users' infringing use of the Accused Instrumentalities.

24           75. For example, and as set forth in Exhibits 2-3, Defendants have and  
25 continue to knowingly and strategically place one-click "Play," "Watch Free," or  
26 "Watch Now" buttons with their DASH-enabled VOD content to encourage customers  
27 to stream media content, knowing that such streaming constitutes infringement of the  
28 '558 patent by customers. The methods of claims 1, 2, 3, 4, and 5 of the '558 patent

1 are necessarily performed by the customer’s terminal upon clicking the “Play,”  
2 “Watch Free,” or “Watch Now” buttons, and this constitutes direct infringement as set  
3 forth in the claim charts in Exhibits 2-3.

4 76. On information and belief, Defendants have engaged and continue to  
5 engage in such actions with specific intent to cause infringement or with willful  
6 blindness to the resulting infringement because Defendants have had actual  
7 knowledge of the ’558 patent and that Defendants’ acts are inducing infringement of  
8 the ’558 patent since at least the time of receiving the Notice Letter on or about March  
9 29, 2021.

10 77. Alternatively, to the extent Defendants claim they did not have actual  
11 knowledge that their acts were inducing infringement of the ’558 patent, Defendants  
12 were willfully blind to the fact that their acts were inducing the infringement of the  
13 ’558 patent.

14 78. Defendants subjectively believed that there was a high probability that  
15 the DASH-enabled streaming VOD offered through Defendants’ website and apps  
16 were infringing or inducing the infringement of the ’558 patent. Helios identified the  
17 ’558 patent as a “Helios Exemplary DASH Standard Essential Patent” within its  
18 “DASH portfolio” and clearly identified MPEG-DASH as the standard (and  
19 applicable sections of the MPEG-DASH standard) to which the ’558 patent pertained.  
20 Helios explicitly informed Defendants that the ’558 patent is essential to MPEG-  
21 DASH, identified which sections of the MPEG-DASH standard the ’558 patent  
22 necessarily covered, and provided proof that it knew Defendants were utilizing these  
23 sections of the MPEG-DASH standard in providing streaming VOD via its website  
24 and apps. And Defendants knew that if the ’558 patent is standard-essential to  
25 specific sections of MPEG-DASH, and the Accused Instrumentalities utilize those  
26 sections of MPEG-DASH, then the ’558 patent is necessarily being infringed by the  
27 Accused Instrumentalities, which include streaming VOD utilizing MPEG-DASH.

28

1 79. Moreover, Helios provided Defendants with claim charts explicitly  
2 detailing how the Accused Instrumentalities are used by Defendants' customers and  
3 users to directly infringe claims 1, 2, 3, 4, and 5 of the '558 patent. (See Exhibits 2  
4 and 3.)

5 80. Despite the facts set forth in paragraph 69-79 above, Defendants actively  
6 and deliberately avoided learning the details of their induced infringement of the '558  
7 patent. As of the date of this First Amended Complaint, Defendants have not  
8 responded to the Notice Letter.

9 81. On information and belief, the Accused Instrumentalities are used,  
10 marketed, provided to, and/or used by or for each of Defendants' partners, clients,  
11 customers, and end users across the country and in this District.

12 82. Plaintiffs have been harmed by Defendants' infringing activities.

13 **STATEMENT REGARDING FRAND OBLIGATION**

14 83. Plaintiffs contend that, pursuant to relevant ISO and IEC guidelines,  
15 bylaws, and policies, many of the claims of the Asserted Patents are subject to Fair,  
16 Reasonable, and Non-Discriminatory ("FRAND") licensing obligations to willing  
17 licensees.

18 84. To the extent Defendants refuse to willingly take a license under such  
19 claims of the Asserted Patents under FRAND terms, Plaintiffs reserve the right to treat  
20 Defendants as unwilling licensees, such that Plaintiffs would not be bound by any  
21 FRAND licensing obligation for purposes of this action or any license to Defendants.  
22 Accordingly, Plaintiffs seek the maximum available reasonable royalty damages to  
23 compensate for Defendants' infringing activities.

24 **JURY DEMAND**

25 Pursuant to Rule 38 of the Federal Rules of Civil Procedure, Plaintiffs demand  
26 a trial by jury on all issues triable as such.

**PRAYER FOR RELIEF**

A. WHEREFORE, Plaintiffs demand judgment for itself and against Defendants as follows:

B. An adjudication that Defendants have infringed each of the Asserted Patents;

C. An award of damages to be paid by Defendants adequate to compensate Plaintiffs for Defendants’ past infringement of each of the Asserted Patents, and any continuing or future infringement through the date such judgment is entered, including interest, costs, expenses and an accounting of all infringing acts including, but not limited to, those acts not presented at trial;

D. A declaration that this case is exceptional under 35 U.S.C. § 285, and an award of Plaintiffs’ reasonable attorneys’ fees; and

E. An award to Plaintiffs of such further relief at law or in equity as the Court deems just and proper.

Dated: April 16, 2021

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